Manual 003

Alberta Energy Regulator

The Hearing Process for the Alberta Energy Regulator

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ALBERTA ENERGY REGULATOR
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Contents

1 Introduction 1
1.1 About This Manual 1
1.2 Purpose of the AER 1
1.3 Organization of the AER 1

2 The Rules of Practice 1

3 Preapplication Stage – Public Disclosure and Consultation 2

4 The Application Process 2
4.1 The Application 2
4.2 Notice of Application 3
4.3 Filing a Statement of Concern 4

5 Assistance from the AER 4
5.1 Alternative Dispute Resolution 5
5.2 Information Sessions 5
5.3 Community and Aboriginal Relations 5

6 The Hearing Process 5
6.1 Notice of Hearing 6
6.2 Filing a Submission 6
6.3 Information Requests 7

7 Prehearing Meetings 8

8 Preparing for the Hearing 9
8.1 Lawyers 9
8.2 Expert Witnesses 10

9 The Hearing 10
9.1 Overview of a Hearing 10
9.2 Time and Location of the Hearing 10
9.3 Role of AER Staff 11

10 The Conduct of the Hearing 11
10.1 Role of the Hearing Commissioners 11
10.2 Opening Remarks 11
10.3 Preliminary Matters 11
10.4 Presentation of Application 12
10.5 Presentation of Intervention(s) and Rebuttal Evidence by Applicant 12
10.6 Final Argument 12
10.7 Closing of Hearing 12
10.8 The Written Hearing 13

11 Costs 13

12 Regulatory Appeal and Appeal to the Court 13
12.1 Regulatory Appeal of the AER's Decision 13
12.2 Appeal of the AER's Decision to the Courts 14

Appendices
1 Types of Facilities and Developments to Which This Manual Applies 15
2 For Further Information 16
3 Example of Acting as an Intervener in the Application and Hearing Process 21
4 AER Oral Hearing Process Flowchart 33

1 Introduction

1.1 About This Manual

This manual explains the Alberta Energy Regulator's (AER's) hearing processes for energy projects. (Appendix 1 contains a comprehensive list of the facilities and developments to which this manual applies.) The primary purpose of this manual is to assist members of the public who may be affected by a decision of the AER. This manual is also helpful to other parties, such as regional public groups, new companies, and new industry staff, who are not familiar with all aspects of the regulatory decision-making process.

1.2 Purpose of the AER

The AER was created in 2013 as the successor to the Energy Resources Conservation Board (ERCB). The AER is a regulatory body that ensures the efficient, safe, orderly, and environmentally responsible development of Alberta's hydrocarbon resources over their entire life cycle. These resources include oil, natural gas, oil sands, and coal. Provincial government departments are also involved in energy developments. For instance, if your concerns regarding a project relate solely to matters of compensation, you should bring those concerns to the attention of the Surface Rights Board. (See appendix 2 for further details.)

1.3 Organization of the AER

The AER operates throughout Alberta. Locations include the Calgary head office, nine field centres in areas of high energy activity in Alberta (Bonnyville, Drayton Valley, Grande Prairie, High Level, Medicine Hat, Midnapore, Red Deer, St. Albert, and Wainwright), and a regional office in Fort McMurray. (See www.aer.ca or appendix 2 for contact information.) The Alberta Geological Survey in Edmonton and the Core Research Centre in Calgary are also part of the AER.

There are over 900 employees at the AER. These include administrative, technical, and professional staff with expertise in such areas as geology, engineering, economics, and law.

The AER has a board of directors that consists of a chairman and directors appointed by the Lieutenant Governor in Council.

The AER also has hearing commissioners appointed by the Lieutenant Governor in Council, and hearing panels are selected by the chief hearing commissioner. A decision of a panel of hearing commissioners about a hearing is a decision of the AER.

2 The Rules of Practice

The *Alberta Energy Regulator Rules of Practice* (*Rules of Practice*) provides directions for any type of proceeding before the AER. The *Rules of Practice* explains how and what must be done when a participant is faced with a variety of situations before, during, and after a proceeding. The AER expects all applicants and participants in AER matters to be familiar with the *Rules of Practice*.

The *Rules of Practice* is available on the AER website, www.aer.ca, and from the AER Information Product Services Section (see appendix 2).

Note: The *AER Rules of Practice* passed in May 2013 replaces and differs from the *ERCB Rules of Practice*.

3 Preapplication Stage – Public Disclosure and Consultation

The AER believes that everyone potentially affected—landowners, occupants, local residents, communities, local governments, nongovernment organizations, and companies—must work together in an open and honest manner. From the beginning to the end of an energy project's life, effective communication must take place between industry and the public, with all parties working cooperatively.

AER public consultation requirements are detailed in various directives, listed in appendix 2 and available at www.aer.ca. AER directives set the minimum public notification and consultation requirements a company must meet before filing an application. The requirements may specify who must be involved, the distance around the project to be considered, and what information should be provided; however, public consultation requirements vary based on the type of project. The directives do not dictate how the consultation process is to be carried out, but stipulate that it must be genuine, timely, thorough, open, and appropriate for the location and nature of the development. The AER expects applicants to do more, rather than less, when considering who may be affected by an energy application. For example, in many cases, applicants consult with additional parties beyond the minimum requirement.

The AER expects industry to have completed its public involvement and communication activities before the submission of an application so that concerns and objections may be raised, addressed, and, if possible, resolved before the application is submitted. The applicant must indicate on its application if there are concerns that did not get resolved.

If you are involved in a consultation process, carefully read all the information from the company before you consent to a proposed project.

4 The Application Process

4.1 The Application

A company must receive regulatory approval from the AER before starting most energy activities that could affect the public, land use, the environment, conservation, or equity. The company must first consult about the proposed project. Once consultation is completed, the company is ready to make an application. The *Rules of Practice* and the directive that applies to the type of application set out what information must be contained within an application. The following information must be included in every application:

- a description of the order, approval, permit, or licence applied for;
- the grounds on which the application is made;
- a reference to the act and section under which the application is made;

- a description of the facts relevant to the application;
- a description of the consultation process;
- any other information necessary to provide the AER with a full and complete understanding of the application; and
- whether there are any outstanding landowner, resident, or other stakeholder concerns.

Upon receipt of an application, the AER ensures that it is complete. If the application is incomplete, AER staff may request the missing information or close the application. For some types of applications, the information request process may be extensive. The AER may close the application if the company does not supply the requested information. To find out about the status of an application filed with the AER, check the Integrated Application Registry (IAR) on the AER's website, www.aer.ca.

If there are no outstanding concerns or issues relating to the application and the proposal is technically sound and meets the regulatory requirements, the AER will process it as a routine application and may approve the application without a public hearing. If there are outstanding concerns, the application cannot be submitted as a routine application.

If you have outstanding concerns about an application, you should inform the company. In addition, if you believe that you may be directly and adversely affected by the proposed development, you may file a statement of concern with the AER (for more information about statements of concern, see section 4.3 and the EnerFAQs *Expressing Your Concerns – How to File a Statement of Concern About an Energy Resource Project*.)

Appendix 3 illustrates how a concerned member of the public files a statement of concern respecting an application and becomes an intervener in the hearing process.

4.2 Notice of Application

If the application states that there are outstanding concerns between the company and a stakeholder, or if the AER wants to ensure that no such concerns exist, the AER may issue a notice of application. The notice is mailed directly to stakeholders who have expressed an interest in the application and may be placed in relevant local newspapers and in the Calgary and Edmonton newspapers.

A notice of application

- briefly describes the subject matter of the application;
- provides the date by which statements of concern regarding the application must be filed;
- explains that the AER may approve the application without a hearing if no statement of concerns are filed by a person or company whom the AER considers may be directly and adversely affected by the proposed project;
- provides information for contacting the applicant and explains where and when the application can be viewed and how to obtain a copy of the application if you do not already have one; and
- contains any other necessary information.

4.3 Filing a Statement of Concern

Persons who may be directly and adversely affected by an application may write to the AER about their concerns (e-mails, forms, and letters are acceptable). This is called filing a statement of concern. A phone call cannot be registered as a statement of concern.

When filing a statement of concern with the AER, it is important to include enough information so that it can be registered. A statement of concern might not be registered if it doesn't relate to a particular company, does not outline specific concerns, or isn't specific to a project, application, or site. To ensure that your statement of concern can be registered and that the AER has enough information to make a decision, you should include

- the application number;
- your name, address or legal land description, telephone number, and, if available, e-mail address;
- a description of how the proposed project may directly and adversely affect you or your land or land that you have an interest in;
- the location of the land in relation to proposed project or activity;
- what you want the AER to do with the application;
- if you are represented by another party, the name of that party, as well as their address, telephone number, and, if available, fax number and e-mail address;
- if you are a group or an organization, a contact person for the organization and a description of how the organization or its members may be directly and adversely affected by the project; and
- any other information that may help the AER in making its decision.

For information about how to file a statement of concern, see the EnerFAQs *Expressing Your Concerns – How to File a Statement of Concern About an Energy Resource Project*. See also the *Rules of Practice*.

5 Assistance from the AER

AER staff are available to assist you by providing information about different AER processes.

- Applications staff can assist by providing information about the application process.
- Alternative dispute resolution (ADR) staff can provide assistance with dispute resolution.
- Hearing coordinators can explain the hearing process.
- Field centre staff can assist with complaints and operational issues.
- Community and Aboriginal Relations (CAR) staff can engage the public in a wide variety of ways.

5.1 Alternative Dispute Resolution

ADR is a process for resolving disputes. It offers concerned parties a variety of options to manage disputes, including direct negotiation between the parties, AER staff mediation, third-party mediation, and arbitration. These options aim to help people explore and understand each other's interests and develop acceptable solutions together by creating an environment that supports respectful discussion.

Information about ADR is provided in the EnerFAQs *All About Alternative Dispute Resolution (ADR)* and *Manual 004: Alternative Dispute Resolution Program and Guidelines for Energy Industry Disputes*. Additional information about ADR is available on the AER website at www.aer.ca or by calling the Customer Contact Centre at 1-855-297-8311 (toll free).

5.2 Information Sessions

If an application is set down for a public hearing, staff from the AER's Law Branch (403-297-8259) and the hearing coordinator are available to answer any questions about the AER's hearing process. Before the hearing, AER staff may travel to the area to explain the hearing process to interested parties. The merits and details of the application are not discussed at these information sessions.

AER staff determine whether information sessions would be useful for the public. If you believe your community group would benefit from such a session, contact the hearing coordinator from the notice of hearing.

5.3 Community and Aboriginal Relations

The CAR team engages stakeholders to ensure understanding of the AER's mandate and its processes. This is achieved through various activities, ranging from kitchen table discussions to large-scale community meetings. CAR also helps to establish new relationships and enhance existing ones by creating a dialogue among the interested parties. Another key role of the CAR team is collaborating with stakeholders to ensure that their concerns about the AER are heard and their feedback is considered. CAR representatives are located in offices throughout the province. This allows the AER to build a strong local presence and develop better relationships with stakeholders across Alberta. Through these activities, the CAR team works to inspire trust and confidence in the AER.

The CAR team is able to answer questions that you may have about a proposed development in your community and explain the AER's application process. Through these discussions, if the CAR team sees the need for skilled mediation, they will help you contact a member of the AER's ADR team. To contact your local CAR representative, call the local AER office, as listed on the AER website, www.aer.ca.

6 The Hearing Process

The AER is required to hold a hearing in certain circumstances as set out in its acts, regulations, and rules. In other cases, the AER may, at its discretion, decide to hold a hearing before deciding on an application.

If the AER conducts a hearing on an application, you may be eligible to participate in a public hearing if you are a person, organization, or company who shows through a written submission that

- you may be directly and adversely affected if the AER approves a proposed energy development, and
- you have been unable to resolve outstanding concerns with the applicant through sincere negotiations or ADR.

AER hearings are open to the public to observe, but not everyone can participate. If you wish to participate in a hearing, you must make a submission to the AER (see section 6.2). The AER will consider your submission and decide if you may participate depending on your submission and the details of the application. Submissions received after deadlines may not be accepted. If no submissions are received or if the interveners to the hearing withdraw, the hearing may be cancelled.

6.1 Notice of Hearing

If the AER is required to or decides at its own discretion to hold a hearing about an application, a notice of hearing is sent to all persons who may be directly and adversely affected by the application. The notice of hearing may also be published in local and provincial newspaper or other methods appropriate to the circumstances may be used. Notices are also sent to government agencies.

The notice for a public hearing

- briefly describes the subject matter of a hearing;
- indicates the date, time, and place of the hearing (unless it is a written hearing);
- details any filing deadlines that the AER feels are appropriate in the circumstances;
- indicates the name and address of the applicant or its representative;
- indicates where copies of the application and other documents supplied in support of the application may be viewed or obtained,
- indicates the required provision of any other information, and
- sets out additional procedural requirements that the AER considers necessary.

If you are unable to meet any deadline as set out in the notice, you should contact AER staff as soon as possible for assistance on how to seek an extension.

6.2 Filing a Submission

If you want to participate in a hearing, you must file a written submission with the AER by the deadline set out in the notice of hearing and provide a copy to all other parties participating in the proceeding.

Your written submission (a letter is acceptable) must contain the following information:

- a statement indicating how your rights may be directly and adversely affected by the application or why you should be permitted to make representation on the matter to assist the regulator;
- your contact information (name, address, telephone number, e-mail address);
- your location in relation to the project;

- a description of the issues that you intend to address and how you intend to participate;
- a description of the outcome that you are seeking and the reasons why;
- the facts you intend to show in evidence at the hearing;
- the names of any expert witnesses that you intend to present at the hearing and a description of the evidence, including any written reports, the expert will provide (see section 8.2);
- a description of the efforts, if any, made to resolve your concerns before the proceeding; and
- if you are acting on behalf of a group or association, the nature of your membership in the group or association.

See appendix 3 for an example of a submission.

Hearing commissioners can only make a decision based on the information presented in the evidence at the hearing. Therefore, your submission should contain all the information that you want to put before the hearing commissioners that relates to the application. In addition, it is important that your entire submission be provided to the AER and other parties before the hearing. The submission dates are in the notice of hearing. The notice of hearing describes how and when to file your submission. After the submissions are filed, the AER examines them and may ask for additional information or further written submissions from parties.

To help you understand the application and to prepare your submission, you may need a copy of the application. Some hearings are accessible through the Proceeding Search tool on the AER website. The tool allows you to access and view information, including part or all of the application, and to participate in some AER proceedings. Users can register to participate in a hearing, see the hearing schedule, and view, download, and submit information for a hearing. Not all AER hearings can be accessed from the Proceeding Search tool. Also, once the applicant has received a copy of a submission, the applicant must provide, upon request, a copy of the application, as well as any documents supplied to the AER in support of the application and any material filed with the AER as documentary evidence.

Submissions to the AER are public information. This includes personal information, such as your mailing address, telephone number, e-mail address, health information, and financial information, as well as any agreements or arrangements that you have made with the applicant prior to or during the hearing. If you wish some of this information to be confidential, you may make a request for confidentiality to the AER by way of a letter that explains why the information should be kept confidential. (See the *Rules of Practice* for more information on confidentiality requirements.)

The AER will determine, based upon the submission and statement of concern, whether the person is eligible to be an intervener in the hearing. The *Rules of Practice* sets out when a person is or is not eligible to be an intervener.

6.3 Information Requests

A party may request another party to provide further information necessary to understand that party's position. This is called an information request (IR). IRs are generally intended to

- clarify the evidence already filed,
- simplify the issues in dispute,
- permit a complete understanding of the matters to be considered by the AER, and
- expedite the hearing.

The *Rules of Practice* outlines the procedure for making and responding to an IR. IRs must be in writing, dated, and contain specific questions that clearly specify the information sought and must be filed and served in accordance with the *Rules of Practice*.

When a party receives an IR, it must prepare a response that

- states the question(s) asked;
- provides a full and adequate response to each question; and
- identifies who prepared the response to the IR.

If a party served with an IR is unwilling or unable to provide a full and complete response, it must provide the requesting party with reasons why the information is unavailable or why it is unwilling to provide the information requested. The requesting party may ask that the AER make a decision as to whether the information should be provided.

7 Prehearing Meetings

The AER may hold a prehearing meeting in accordance with the *Rules of Practice*. Generally, prehearing meetings are held to ensure that the hearing will be as efficient and effective as possible. A prehearing meeting is often useful for an application with complex issues. The prehearing meeting helps parties to understand and become comfortable with the hearing process. At the prehearing meeting, procedural matters are addressed, but not the merits or details of the application. A prehearing meeting may be held at the direction of the AER or at the request of one, some, or all of the parties.

A prehearing meeting may be held for any of the following purposes:

- to determine what issues will be raised at the hearing
- to determine what position parties will take
- to consider matters such as costs (see section 11)
- to identify the need and use of third-party consultants and their terms of reference
- to consider what procedures will be used at the hearing
- to consider if parties would benefit from a technical meeting or alternative dispute resolution
- to set the date, time, and place for a public hearing
- to fix the time to be allotted to each party to present evidence and argument
- to decide any other matter that may simplify the hearing and provide for a more efficient process

A prehearing meeting usually follows the same format as a hearing. A panel of one or more hearing commissioners opens the meeting, explains what procedures will be followed, and outlines the issues to be discussed. They then ask parties to register. This requires all parties to identify themselves to the panel and indicate who they represent—whether themselves, their family, a group of individuals, or others.

Following this, the applicant presents its views on the issues it wishes to raise before the hearing. The AER staff and panel members then may ask the applicant questions about the matters raised.

Next, the interveners or their representatives, usually lawyers, each have an opportunity to present their positions on the issues outlined by the AER or raised by the applicant, as well as on any other matters they believe relate to the hearing. Again, AER staff and the panel may ask interveners or their lawyer questions to clarify their position. Following the interveners, the applicant is provided with a final opportunity to present its position. After hearing from all the parties, the hearing commissioners close the prehearing meeting. Within 90 days, usually much less, the AER provides a written decision to all parties.

8 Preparing for the Hearing

For the AER to fully understand your position, whether in support of or opposed to the application, careful preparation of your evidence is essential. If you intend to have a lawyer represent you, you need to choose your lawyer early in the process to ensure that they have a clear understanding of your position and the application. If you do not intend to hire a lawyer to represent you at the hearing, here are some of the things you should do to prepare for the hearing:

- Familiarize yourself with the AER's hearing process.
- Review the submissions of the other parties to understand their positions. Identify where you may avoid duplication of your arguments or unnecessary conflict.
- If you intend to cross-examine the applicant or other parties, prepare your questions in advance.
- Practise your oral testimony in advance, and think about answers to some possible questions that you may be asked in cross-examination.
- If you intend to call witnesses, prepare your questions for these witnesses.
- Meet with your witnesses in advance and prepare them for the hearing by going through a "dry run" of their testimony; that is, ask them the same questions that you will ask at the hearing.
- Prepare your final arguments to the AER, as this is a summary of your position.

To allow parties a fair chance to prepare for the hearing, the evidence must be in the submissions filed with the AER before the hearing. The filing dates are in the notice of hearing. New evidence should not be introduced during the hearing, as it is unfair to the other parties.

8.1 Lawyers

Although there is no requirement that a lawyer represent you during the prehearing meeting and the hearing, having a lawyer represent your interests may be a good idea. Lawyers are trained to present a client's case, cross-examine the other side's witnesses, address procedural and evidentiary issues, and make arguments on what the decision should be. Some lawyers specialize in regulatory matters and can

familiarize you with the AER's hearing process. Lawyers can also assist in retaining experts, if needed, to present your case.

8.2 Expert Witnesses

You are not required to have expert witnesses, but you may want to hire an expert to support your case if your evidence is technical and involves complex issues.

Expert witnesses may be used to present certain aspects of your case, as well as to rebut evidence presented by the other parties. Geologists, veterinarians, biologists, and engineers are some of the types of expert witnesses that have appeared at hearings of energy project applications. Expert witnesses give evidence based on their opinion, which is formed through their knowledge (academic and practical) and experience. For your witness to be considered an expert, you must provide the AER with the credentials of the witness and explain why his or her evidence should be accepted as expert testimony.

9 The Hearing

9.1 Overview of a Hearing

AER hearings are open to the public to observe the proceedings without participating. All persons who the AER has determined are eligible to be interveners may participate in the hearing. A public hearing is not a meeting; it is a legal proceeding to which rules and procedures apply. This ensures that the hearing commissioners receive evidence and argument on the relevant issues raised by an application. The hearing allows the applicant and interveners to highlight the matters that they have presented in their written submissions. Before any individual may testify at the hearing, they must swear or affirm that they will tell the truth. Parties must abide by the *Rules of Practice* and file the necessary submissions before the start of the hearing. A person who has not complied with the *Rules of Practice* may be denied permission to participate at the hearing.

At a hearing, the applicant goes first and explains its proposed project. Then the interveners state their opposition to the project in detail. The parties may cross-examine each other on their filed submissions. As mentioned above, new evidence, not originally discussed in the party's submission, should not be introduced during the hearing, as it is unfair to the other parties.

A court reporting service is hired for each hearing to ensure that the hearing is recorded. Transcripts of the hearing may be purchased from the court reporting service or are available for viewing at the AER library located on the tenth floor of the AER head office, 250 – 5 Street SW, Calgary, Alberta T2P 0R4.

9.2 Time and Location of the Hearing

The AER attempts to accommodate the parties when scheduling a hearing. Hearings can last anywhere from one day to several weeks, depending on the complexity of issues and the number of interveners. Hearings are usually held near the proposed project and the community where the majority of interveners live. When public hearings are not held locally, participants may be reimbursed for reasonable travel expenses to the site of the hearing (see section 11).

9.3 Role of AER Staff

AER staff ensure that an application is complete and that all the submitted evidence is before the hearing commissioners. They do this by questioning the parties. Staff also provide support to the hearing commissioners on matters such as engineering, science, geology, public safety, site selection, emergency response planning, finance, and economics. Staff members do not play an adversarial role and do not oppose or support either the applicant or any intervener. In some exceptional cases, AER staff may make submissions to the AER advocating a particular position and may act as a party to a hearing. If this occurs, the hearing commissioners are assisted by different staff.

The AER lawyer at a hearing has two main functions: to advise the AER on legal matters, procedure, and evidence and to question the witnesses, with the assistance of other AER staff, to ensure that relevant evidence is before the hearing commissioners to make a decision. The AER lawyer is also available to provide parties with information regarding procedure.

10 The Conduct of the Hearing

10.1 Role of the Hearing Commissioners

One or more hearing commissioners are selected by the chief hearing commissioner to conduct a hearing. The hearing commissioners maintain control of the hearing and ensure a fair process, allowing all parties to fully participate at the hearing. The hearing commissioners are the decision-makers. They review all evidence and make decisions about procedural matters and the application under consideration. Their decisions are based solely on the evidence before them. A decision of a panel of hearing commissioners is a decision of the AER.

10.2 Opening Remarks

The hearing process begins with a hearing commissioner making brief opening remarks, explaining the purpose of the hearing, and introducing the hearing commissioners and AER staff. (See appendix 4 for a flowchart of the oral hearing process.)

Following that, all parties or their representatives in the hearing are required to register an appearance (i.e., come forward and introduce themselves), beginning with the applicant and then each intervener. Generally, parties will have lawyers representing them.

10.3 Preliminary Matters

Following registration, the hearing commissioners ask if any of the parties have any preliminary issues for the hearing commissioners to address. Preliminary issues generally deal with legal or procedural matters, such as an adjournment request or the scheduling of a specific witness at a specific time. Parties may want to identify any difficulties they may have in regard to the scheduling of their presentation due to employment or other commitments. The issue of scheduling or other issues should be brought to the hearing commissioners' attention at this time or be explained to the AER's lawyer prior to start of the hearing. The AER may give a decision on a preliminary issue that day or at a later time.

10.4 Presentation of Application

After preliminary issues have been dealt with, the applicant presents its case. The applicant's documents are entered in the record as exhibits, and its witnesses swear or affirm that they will tell the truth and then give evidence in support of the application.

Often, the applicant's witnesses sit as a panel. The lawyer for the applicant asks the applicant's witnesses questions; this process is called examination-in-chief.

When the applicant's witnesses finish giving testimony, the interveners can ask questions of the witnesses; this is called cross-examination. Cross-examination may be used to clarify evidence or discredit the other side's witnesses through questioning. It is not the time for interveners to give their testimony. Following cross-examination by the interveners, the AER staff and hearing commissioners may ask questions of the witnesses.

After cross-examination of the witnesses is finished, the applicant can question its witnesses again to clarify evidence raised during cross-examination. This practice is called redirect examination.

10.5 Presentation of Intervention(s) and Rebuttal Evidence by Applicant

At the next stage of the hearing, interveners present their cases in the same order in which they registered. To give evidence, an intervener must swear or affirm to give evidence truthfully. The intervener's documents are entered as exhibits. After the intervener gives direct evidence, the lawyer for the applicant may cross-examine, followed by the other interveners who wish to cross-examine. The intervener may then be examined by AER staff and the hearing commissioners. Following cross-examination, the intervener can clarify any matters that arose during the cross-examination. This is repeated for each of the interveners and their witnesses. After all of the interveners have presented evidence and been cross-examined, the applicant may give evidence in response to issues raised by interveners; this is called rebuttal.

10.6 Final Argument

After rebuttal evidence is given, all participants submit their final arguments to the hearing commissioners. Sometimes the hearing commissioners provide time for parties to prepare their final arguments, but you should be already prepared as there may be little or no time for preparation during the hearing. Final argument is normally given orally but may also be given in written format. If final argument is to be oral, the applicant goes first, followed by the interveners. The applicant is then given an opportunity to reply to the interveners' final arguments. Final argument is intended to summarize evidence, highlight the important aspects of the issues, and state what the AER's decision should be and provide supporting reasons.

10.7 Closing of Hearing

After final arguments, the hearing commissioners usually announce that the hearing is completed and that a decision will be rendered within 90 days. A hearing is considered closed after the AER has heard or received final arguments or, in cases where the AER requests the filing of additional evidence, when the last of the evidence is filed. The panel then takes time to consider all the evidence and arguments and,

within 90 days of the close of the hearing, releases a written decision report, which explains the reasons behind the decision and is distributed to all the parties.

Decision reports are available to the public on the AER website and from the AER Information Product Services Section location on the tenth floor of the AER head office, 250 – 5 Street SW, Calgary, Alberta T2P 0R4.

10.8 The Written Hearing

In some cases, depending on the concerns raised and the timing of the project, the AER may decide to hold a written hearing. The *Rules of Practice* outlines the circumstances.

11 Costs

If you participate as an intervener in a hearing, you may be eligible to have the costs you incurred with respect to your intervention paid for by the applicant. You make the request to the AER to have costs paid. The AER then determines whether you are eligible to have your costs paid and what costs are eligible.

Directive 031: REDA Energy Cost Claims, which is available on the AER website, at www.aer.ca, provides information about costs, including how to submit a costs claim. You can also purchase a copy of the directive from the AER Information Product Services Section, housed on the tenth floor of the AER head office.

When determining the amount of a costs award, the AER considers all those expenses incurred by the intervener that it considers reasonable and directly and necessarily related to the preparation and presentation of the intervention. Costs such as legal fees, consultant fees, accommodations, and meals may be approved in an amount the AER deems reasonable.

The AER's usual practice is to acknowledge only those costs incurred after the AER has issued a notice of hearing. Until that time, there is no certainty that a hearing will be held. The AER recognizes that it is sometimes necessary for interveners to incur costs prior to the notice and that such costs may be reasonable and be directly and necessarily related to the intervention in question. Occasionally, if a notice of hearing has been issued, the AER may approve an advance on costs before a hearing commences.

12 Regulatory Appeal and Appeal to the Court

12.1 Regulatory Appeal of the AER's Decision

Once the AER issues its decision, it is final. However, if a hearing was not held prior to making the decision, the AER may conduct a regulatory appeal of the decision. Section 36 of the *Responsible Energy Development Act* sets out who is eligible to request a regulatory appeal and what decisions may be appealed. Hearing commissioners conduct a regulatory appeal by way of a hearing.

Part 3 of the *Rules of Practice* details the process for regulatory appeals.

12.2 Appeal of the AER's Decision to the Courts

If you intend to appeal a decision of the AER to the courts, you will most likely want to hire a lawyer. Appeals of an AER decision must be made to the Alberta Court of Appeal and be based on questions of jurisdiction and law. You must make an application for leave to appeal within one month of the AER's decision being issued. Permission to appeal the decision must be obtained from the Court of Appeal. If permission is granted, the Court of Appeal will then hear the appeal.

Section 45 of the *Responsible Energy Development Act* sets out the process for appeal of an AER decision to the Court of Appeal.

Decisions of the Court of Appeal may be appealed to the Supreme Court of Canada with the permission of that court.

Appendix 1 Types of Facilities and Developments to Which This Manual Applies

The list below is not exhaustive.

Acid gas disposal well
Alternative storage
Battery
Cavern storage
Coal processing plant
Coalbed methane control well
Commercial oil sands scheme
Common carrier/processor/purchaser
Compressor station
Compulsory pooling
Concurrent production
Crude bitumen well
Custom treating plant
Disposal well
Enhanced recovery
Gas flaring permit
Gas processing plant
Gas removal
Gas well
In situ oil sands central processing facility
Injection/disposal facility – water or enhanced oil recovery
Oil loading and unloading terminal
Oil sands mine site
Oil well
Oilfield waste management facility
Pipeline
Pool delineation
Production controls
Pump station
Rateable take
Satellite
Special well spacing
Tank farm
Underground gas storage
Waste processing and disposal facility

Appendix 2 For Further Information

Contact Information

If you have questions regarding AER hearings or alternatives to the formal hearing process, contact the AER Law Branch at 403-297-8259.

For other inquiries, contact the Customer Contact Centre by phone at 1-855-297-8311 (toll free) or e-mail at inquiries@aer.ca.

The AER also has field centres throughout the province. You may contact field staff at the centre nearest you:

Bonnyville	780-826-5352
Drayton Valley	780-542-5182
Grande Prairie	780-538-5138
High Level	780-926.5399
Medicine Hat	403-527-3385
Midnapore	403-297-8303
Red Deer	403-340-5454
St. Albert	780-460-3800
Wainwright	780-842-7570
Fort McMurray (regional office)	780-743-7214

Publications

The following AER documents are available free of charge on the AER website at www.aer.ca. Hard copies may be purchased from

Alberta Energy Regulator
Information Product Services Section
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 3G4
Telephone: 403-297-8190

To see the most up-to-date list of AER publications, visit the AER website, www.aer.ca.

AER Directives Dealing with Applications

Directive 006: Licensee Liability Rating (LLR) and the Licence Transfer Process
Directive 023: Guidelines Respecting an Application for a Commercial Crude Bitumen Recovery and Upgrading Project
Directive 050: Drilling Waste Management
Directive 051: Injection and Disposal Wells - Well Classifications, Completions, Logging, and Testing Requirements
Directive 055: Storage Requirements for the Upstream Petroleum Industry
Directive 056: Energy Development Applications and Schedules
Directive 058: Oilfield Waste Management Requirements for the Upstream Petroleum Industry
Directive 060: Upstream Petroleum Industry Flaring, Incinerating, and Venting
Directive 061: How to Apply for Government Approval of Coal Projects in Alberta
Directive 062: Coalbed Methane Control Well Requirements and Related Matters
Directive 065: Resources Applications for Oil and Gas Reservoirs
Directive 067: Applying for Approval to Hold EUB Licences
Directive 071: Emergency Preparedness and Response Requirements for the Petroleum Industry
Directive 074: Tailings Performance Criteria and Requirements for Oil Sands Mining Schemes
Directive 078: Regulatory Application Process for Modifications to Commercial In Situ Oil Sands Projects

Other AER Documents

Alberta Energy Regulator Rules of Practice
Directive 031: REDA Energy Cost Claims
Informational Letter (IL) 96-7: EUB/AEP Memorandum of Understanding on the Regulation of Oil Sands Developments
Manual 003: The Hearing Process for the Alberta Energy Regulator

Other Departments and Agencies to Help You

Alberta Environment and Sustainable Resource Development (ESRD)

ESRD administers environmental legislation, policies, and programs to ensure the protection, enhancement, and wise use of Alberta's environmental resources. It also administers the public land in Alberta, including all industrial surface access to natural resources, and is responsible for the management of fish, wildlife, and forests. Contact the Information Centre at

Main Floor, Great West Life Building
9920 – 108 Street
Edmonton, Alberta T5K 2M4
Telephone: 1-877-944-0313 (toll free)
1-800-222-6514 (emergencies and complaints)
Website: srd.alberta.ca

Alberta Energy

This department is responsible for a diverse resource development portfolio that includes natural gas, conventional oil, oil sands, petrochemicals, electricity, coal, and minerals. Among other things, the department is responsible for issuing Crown mineral rights. Alberta Energy can be contacted as follows:

Alberta Energy
North Petroleum Plaza
9945 – 108 Street
Edmonton, Alberta T5K 2G6
Telephone: 780-427-8050

Alberta Energy
300, 801 – 6 Avenue SW
Calgary, Alberta
T2P 3W2
Telephone: 403-297-8955

Website: www.energy.alberta.ca

Alberta Municipal Affairs

The Local Government Services Division of Alberta Municipal Affairs can assist the public with general information on assessment, land-use planning, and municipal operations. For information on assessment practices and procedures in Alberta, contact

Alberta Municipal Affairs
Assessment Services Branch
15th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4
Telephone: 780-427-2345

For general information on land-use planning and municipal operations, contact

Alberta Municipal Affairs
Municipal Services Branch
17th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4
Telephone: 780-427-2225
Website: http://municipalaffairs.gov.ab.ca/am_muncipal_services.cfm

If you have specific questions regarding the assessment of specific parcels of land in a municipality or specific land-use policies and approval requirements, please contact your local municipality.

The Alberta Emergency Management Agency of Alberta Municipal Affairs leads the coordination, collaboration, and cooperation of all organizations involved in the prevention, preparedness, and response to disasters and emergencies. The Alberta Emergency Management Agency also requires municipalities to have an emergency management program and organization. It deals with prevention, preparedness, response, and recovery to major emergencies and disasters. The branch assists with the developing, testing, and validating of emergency plans. It also helps municipalities deal with actual emergencies. For information about emergency planning, emergency plans, or projects in Alberta, contact

16th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4
Telephone: 780-422-9000
E-mail: acma@gov.ab.ca
Website: www.acma.alberta.ca/about_us_main.cfm

Provincial Operations Centre
24 Hours: 1-866-618-2362

Surface Rights Board

The Surface Rights Board deals with compensation for surface access for oil and gas activities and the construction and operation of power transmission and telephone lines. It conducts periodic rent reviews of Surface Rights Board orders and surface leases. It has limited authority to award compensation for damages arising from the operations of a party to a lease or board order. Contact the Surface Rights Board at

1229 91 Street SW
Edmonton, Alberta T6X 1E9
Telephone: 780-427-2444 (toll free by first dialling 310-0000)
Website: www.surfacerights.gov.ab.ca

The Farmers' Advocate Office (FAO)

The FAO can provide assistance in the resolution of disputes and can provide timely information to the farming community on matters of concern. The FAO can also provide information on subjects such as surface rights, seismic activity, mineral leasing, trespass, and other topics that may be of concern to the agricultural community. Contact the FAO at

Room 305, 7000 - 113 Street
Edmonton, Alberta T6H 5T6
Telephone: 310-3276 (FARM)
E-mail: farmers.advocate@gov.ab.ca
Website: www.farmersadvocate.gov.ab.ca

The Registrar of Land Agents

Agreements for interests in land that are subject to a right-of-entry order or expropriation must be negotiated by a land agent licensed under the *Land Agents Licensing Act*. The act may be viewed at www.qp.alberta.ca/documents/Acts/L02.pdf. Typically these agreements are for drilling and mining operations, laying of pipelines, construction of power lines, and construction of roads. If you have any concerns about the way you have been treated by a land agent, contact the Registrar of Land Agents at

Alberta Enterprise and Advanced Education
Land Agents Licensing
7th Floor Labour Building
10808 – 99 Avenue
Edmonton, Alberta T5K 0G5
Telephone: 780-415-4600
Fax: 780-422-7173
Website: http://eae.alberta.ca/labour-and-immigration/land-agents-licensing.aspx

Alberta Trappers' Compensation Program

The Alberta Trappers' Compensation Program is administered by the Alberta Trappers' Association to help trappers when they are negatively affected by the activities of other resource users on Crown lands. The Trapper Compensation Board has been appointed to review claims that cannot be resolved through direct negotiations. For more information, contact

Alberta Trappers' Association
6020 Station Main
Westlock, Alberta T7P 2P7
Telephone: 780-349-6626
Website: www.albertatrappers.com

Appendix 3 Example of Acting as an Intervener in the Application and Hearing Process

To illustrate how a concerned member of the public acts as an intervener in the application and hearing process, the story of fictional John and Martha Smith is presented.

John and Martha Smith reside in southeastern Alberta on a half section of land that John inherited from his father. John and Martha own the land on which they live and farm. Their farming operations consist of growing crops, such as wheat, barley, and corn. Last year, they decided to start raising llamas. After some thought, they purchased several llamas in March.

In April of this year, representatives from the ABC Company personally consulted with John and Martha regarding a pipeline that the company was planning to build across a portion of their land. Other portions of the pipeline will be built on their neighbours' lands. The pipeline is to carry sweet natural gas to tie into an existing gathering system owned by the ABC Company. During this initial meeting, the representatives provided an information package to the Smiths, including a description of the project, as well as a letter from the AER outlining the materials that the ABC Company was to provide to the Smiths. As they learned more about the proposed project, the Smiths became concerned about the location of the proposed pipeline and the effects the proposed pipeline and its construction would have on their crops and their animals and about the safety of the pipeline. The Smiths would like the route of the pipeline to be changed.

A few days later, representatives from the ABC Company visited the Smiths' home again to discuss the proposed pipeline with John, Martha, and their neighbours. They provided the residents with a general description of the proposed project, the company's reasons for its choice of location for the pipeline, and details on the proposed construction schedule and method of construction. The Smiths voiced their concerns regarding the effects the proposed pipeline could have on their farming operations and themselves. They also explained that they were not happy with the route of the proposed pipeline.

The representatives discussed these concerns and explained that the ABC Company would like to obtain permission to enter onto each owner's land for construction and maintenance of the pipeline. The Smiths continued to have reservations about the pipeline project, and no agreement about proposed changes to the pipeline route was reached. The meeting ended with the representatives explaining that the ABC Company would be applying to the Alberta Energy Regulator (AER) for approval to construct the proposed pipeline. The representatives also explained that the ABC Company would inform the AER that landowners had outstanding concerns about the application.

The following week, the Smiths received a package from the ABC Company that included details of the application that it had filed with the AER.

Notice of Application

In May, the Smiths received the following Notice of Application from the AER.

Alberta Energy Regulator

Notice of Application

Application No. 1234567

ABC Company

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

The Alberta Energy Regulator (AER) has received Application No. 1234567.

Description of the Application

ABC Company has applied under Part 4 of the *Pipeline Act* for approval to construct and operate a pipeline segment located in Section 16, Township 19, Range 11, West of the 4th Meridian. The pipeline segment would tie in an approved well (0 per cent hydrogen sulphide) to the existing ABC Company gas gathering system.

To obtain a copy of the application, contact

The ABC Company
123 – 46 Avenue SW
Calgary, Alberta T1Y 2Z3
Attention: Ms. Anna Brown
Telephone: 403-123-4567
Fax: 403-123-4568
E-mail: a.brown@abc.com

To view a copy of the application and supporting documents, use the Integrated Application Registry (IAR) Query tool available under Systems & Tools on the AER website www.aer.ca or contact

AER Information Product Services Section
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Telephone: 1-855-297-8311 (toll free; press 2)
E-mail: infoservices@aer.ca
Viewing hours: 9:00 a.m. to 3:00 p.m.

To help expedite your request, refer to this notice when making any requests for information.

Requirement to File a Statement of Concern

If you have an interest in this matter and have not filed a statement of concern with the AER, you must file one as described below under How to File a Statement of Concern. If you do not file a statement of concern, the AER will continue to process the application and may approve it without notifying you.

If the AER does not receive any statements of concern from a person who may be directly and adversely affected by the AER's decision on the application, the AER may continue to process the application and may approve it without further notice or without a hearing.

How to File a Statement of Concern

In order for your submission to be considered a valid statement of concern, it must be filed before 4:00 p.m., on the filing dates below.

June 30, 2013 Final date to file a statement of concern.

July 20, 2013 Final date for response submissions from the applicant.

Send one copy of your statement of concern to the ABC Company at the name and address above and one copy to

John Doe, Application Coordinator
Applications Branch, Facilities Applications Group
Alberta Energy Regulator
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
E-mail: j.doe@aer.ca

Contents of a Statement of Concern

In order for your submission to be considered a valid statement of concern, it must include

a) the application number your statement of concern relates to;
b) why you believe you may be directly and adversely affected by a decision of the AER on the application;
c) a statement about the nature of your concerns about the application;
d) the disposition of the application you are seeking;
e) the location of your land, residence or activity in relation to the location of the energy resource that is the subject of the proposed application; and
f) your contact information, including your name, address in Alberta, telephone number, fax number, if any, and an e-mail address.

Confidentiality

Section 49 of the *Alberta Energy Regulator Rules of Practice* requires that all documents and information filed in a proceeding be placed on the public record. If you file a submission, you must not include any personal information that you do not want to appear on the public record or are not authorized to put on the public record. Section 49(2) of the *Rules of Practice* states how to apply to the AER for an order to keep information confidential.

Questions of Constitutional Law

In addition to giving notice according to section 12 of the *Administrative Procedure and Jurisdiction Act* and schedule 2 of the *Designation of Constitutional Decision Makers Regulation*, you must include the following information in your submission and file it according to the dates listed under How to File a Submission if you intend to raise a question of constitutional law:

a) the constitutional question you intend to raise

b) the legal argument you intend to make

c) the evidence you intend to rely on in support of your legal argument

Under section 21 of the *Responsible Energy Development Act*, the AER does not have jurisdiction to assess the adequacy of Crown consultation associated with the rights of aboriginal peoples as recognized and affirmed under the *Constitution Act*.

Compensation Issues

Submissions relating exclusively to compensation for land use are not dealt with by the AER and should be referred to the Alberta Surface Rights Board.

For information on AER procedures, contact the application coordinator, John Doe, by phone at 403-555-5555 or by e-mail to j.doe@aer.ca

Issued at Calgary, Alberta, on June 17, 2013.

ALBERTA ENERGY REGULATOR
Patricia M. Johnston, Q.C., General Counsel

Statement of Concern

Because the Smiths were dissatisfied with the location chosen for the pipeline, they decided to object to the application. Following is their statement of concern sent to the AER.

June 1, 2013

Alberta Energy Regulator
Facilities Applications Group
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4

RE: Our Statement of Concern to Application #1234567, an Application by the ABC Company for Approval to Construct and Operate a Pipeline

Dear Application Coordinator:

We are writing this letter to inform the AER that we oppose application #1234567, which is an application by the ABC Company for approval to construct and operate a pipeline. A portion of the proposed pipeline will be built under our land. We own and farm NW 16-19-11W4M and NE 16-19-11W4M.

We oppose this application because we disagree with the proposed route of this pipeline. We believe that the pipeline is too close to the crops we grow. In fact, part of the pipeline is scheduled to go right across one of our crop fields. Currently we grow barley, wheat, and corn for commercial sale. We are worried that the pipeline will affect the growth of our crops and, in turn, hurt our livelihood.

We also oppose this proposed pipeline because we are concerned about the effects that the pipeline's construction and its operations will have on the health of our animals. We raise llamas for commercial sale. We also are concerned about the safety of the pipeline.

As a result of our concerns, we ask that the AER not grant approval of this pipeline application.

Please forward any further correspondence regarding this matter to the following address:

John and Martha Smith
Box 100
Patricia, Alberta T3H 2Y6
Tel: (403) 370-8954

Yours truly,

John and Martha Smith

Following the submission of their statement of concern, AER staff contacted the Smiths and discussed alternative options, such as ADR, including mediation, that were available to them and the ABC Company to settle their dispute over the application. The Smiths and the ABC Company were not able to resolve their dispute, so the application was scheduled to proceed to a hearing.

Alberta Energy Regulator

Notice of Hearing

Application No. 1234567
ABC Company

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

The Alberta Energy Regulator (AER) will hold a public hearing of Application No. 1234567 at the Laurier Hotel, 340 – 6 Avenue, Brooks, Alberta, starting on **September 6, 2013**, at 1:00 p.m. All parties must be present to register at the start of the hearing.

Description of the Application

The ABC Company has applied under Part 4 of the *Pipeline Act* for approval to construct and operate a pipeline segment located in Section 16, Township 19, Range 11, West of the 4th Meridian. The pipeline segment would tie in an approved well to the existing ABC Company sweet gas gathering system.

To obtain a copy of the application, contact
The ABC Company
123 – 46 Avenue SW
Calgary, Alberta T1Y 2Z3
Attention: Ms A. Brown
Telephone: 403-123-4567
Fax: 403-123-4568
E-mail: a.brown@abc.com

To view a digital copy of the application and supporting documents, use the Proceeding Search tool available under Systems & Tools on the AER website www.aer.ca and enter Proceeding ID 789.

To view a hard copy of the application and supporting documents, contact
AER Information Product Services Section
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Telephone: 403-297-8311 (Option 2)
E-mail: infoservices@aer.ca
Viewing hours: 9:00 a.m. to 3:00 p.m.

To expedite your request, refer to this notice when making any requests for information.

Requirement to File a Written Submission

If you have an interest in this matter and wish to make submissions or provide evidence at the hearing, you must file a written submission even if you have already filed a submission with the AER or with ABC Company on this application. Submissions must include copies of all documentary evidence you intend to present or rely on at the hearing, including copies of expert reports, presentations, photographs, articles, and any other evidence you intend to present.

If no submissions from an intervener are filed or if the interveners withdraw from the proceeding, the hearing may be cancelled and the AER will continue to process the application and may approve it without a hearing.

Contents of a Submission

Section 9(2) of the *Alberta Energy Regulator Rules of Practice* states that submissions must be in writing and contain

(a) the application number your submission relates to

(b) a concise statement indicating

  (i) why you believe you may be directly and adversely affected by a decision of the AER on the application **or** why you should be permitted to make representations on the matter to assist the AER,

  (ii) the nature and scope of your intended participation,

  (iii) the disposition of the proceeding you advocate,

  (iv) the facts you intend to show in evidence, the nature and extent of testimony, and any expert reports or evidence,

  (v) the reasons you believe the AER should decide in the manner you advocate, and

  (vi) your efforts to resolve issues directly with the applicant;

(c) your contact information including your name, address in Alberta, telephone number, fax number, if any, and an e-mail address;

(d) if you have a representative, their name, address in Alberta, telephone number, fax number, if any, and an e-mail address; and

(e) if you are acting on behalf of a group or association of persons, the nature of your membership in the group or association.

Confidentiality

Section 49 of the *Rules of Practice* requires that all documents and information filed in a proceeding be placed on the public record. If you file a submission, you must not include in it any personal information that you do not want to appear on the public record or are not authorized to put on the public record. Section 49(2) of the *Rules of Practice* states how to apply to the AER for an order to keep information confidential.

Questions of Constitutional Law

In addition to giving notice in accordance with section 12 of the *Administrative Procedure and Jurisdiction Act* and schedule 2 of the *Designation of Constitutional Decision Makers Regulation*, if you

intend to raise a question of constitutional law, you must include in your submission, filed in accordance with the filing dates in this notice, the following information:

(a) the constitutional question you intend to raise,

(b) the legal argument you intend to make, and

(c) the evidence you intend to rely on in support of your legal argument.

How to File a Submission

Submissions must be filed before 4:00 p.m. on the filing dates below.

August 10, 2013	Final date to register your intent to file submissions on EPS.
August 15, 2013	Final date for submissions from all interested parties.
August 23, 2013	Final date for response submissions from the applicant.

Submissions must be compatible with AER systems and should be PDF documents with bookmarks, page numbers, and optical character recognition. File submissions through the Digital Data Submission (DDS) System, Proceeding ID 789. For information on using DDS to file submissions, contact the Senior Applications Officer, Dean Campbell, at 403-297-8474.

For submissions of maps and logs, file a copy through DDS and send one paper copy to ABC Company at the name and address above and one complete paper copy to

John Doe, Application Coordinator
Applications Branch, Facilities Applications Group
Alberta Energy Regulator
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
E-mail: j.doe@aer.ca

Prehearing Applications and Motions

All prehearing applications to the AER must be made before 4:00 p.m., **August 25, 2013**.

Compensation Issues

Submissions relating exclusively to compensation for land use are not dealt with by the AER and should be referred to the Alberta Surface Rights Board.

Eligibility for Hearing-Related Local Intervener Costs

Persons intending to seek advanced payment or repayment of hearing-related costs must apply according to *Directive 031: REDA Energy Cost Claims*.

For information on AER procedures, contact
Applications Branch, Facilities Applications Group
Attention: John Doe
Telephone: 403-555-5555
E-mail: j.doe@aer.ca

Issued at Calgary, Alberta, on July 31, 2013.

ALBERTA ENERGY REGULATOR
Patricia M. Johnston, Q.C., General Counsel

Submission

Below is a copy of John and Martha Smith's submission for the hearing.

August 15, 2013

Alberta Energy Regulator
Facilities Applications Group
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4

Dear Application Coordinator:

This letter and five attachments represent our submission to the AER for the hearing of Application No. 1234567. We have owned and farmed NW 16-19-11W4M and NE 16-19-11W4M for the last 26 years. Our residence is located in LSD 10-16-19-11W4M.

Following is a list of the attachments;

- Our personal statement discussing
  - the impacts on us from nearby oil and gas development
  - how this application will further impact us and our farming operations.
- Report from our veterinarian, Dr. Schneider.
- Photographs of the route across our land the pipeline would follow, including comments about the productivity of this land. Also included are photos and a description of an alternate route and we why prefer it.
- A report from the Canadian Wool Growers Association discussing the link between rate of llama growth, wool quality and noise pollution.
- Photographs and comments about our house, where our children play, and the proposed route.

We request that the Alberta Energy Regulator deny approval for this application to the ABC Company.

There are a number of reasons for our request. First, we disagree with the proposed route that the pipeline will take across our land. As a result, we will suffer a financial loss.

On our farm, we also raise llamas for commercial sale. We are concerned that the construction and operation of the pipeline will disrupt their normal daily routine. For example, the pasture where the animals graze will be disrupted during construction. The construction of the pipeline will be very noisy and our land will be very busy with construction people. During construction, our land will become an unsuitable environment in which to raise llamas. Attached to this letter is a report from Dr. Kevin Schneider, our veterinarian, supporting our concerns that our animals may be harmed. We have used Dr. Schneider's services in the past, as he is an expert on llamas. Dr Schneider can attend the hearing as an expert witness if necessary.

Finally, we are concerned about the impacts of the construction of the pipeline and its operation on our safety. We are also concerned because of the close proximity of the pipeline to our house and the areas on our land where our children play.

Again we ask that the AER deny the ABC Company's application for this pipeline to be built as it has proposed. We understand the necessity for the pipeline to be built, but we believe that it should be built using an alternative route.

We plan to attend the hearing into this matter and look forward to having the opportunity to explain our position orally to the hearing commissioners.

Yours truly,

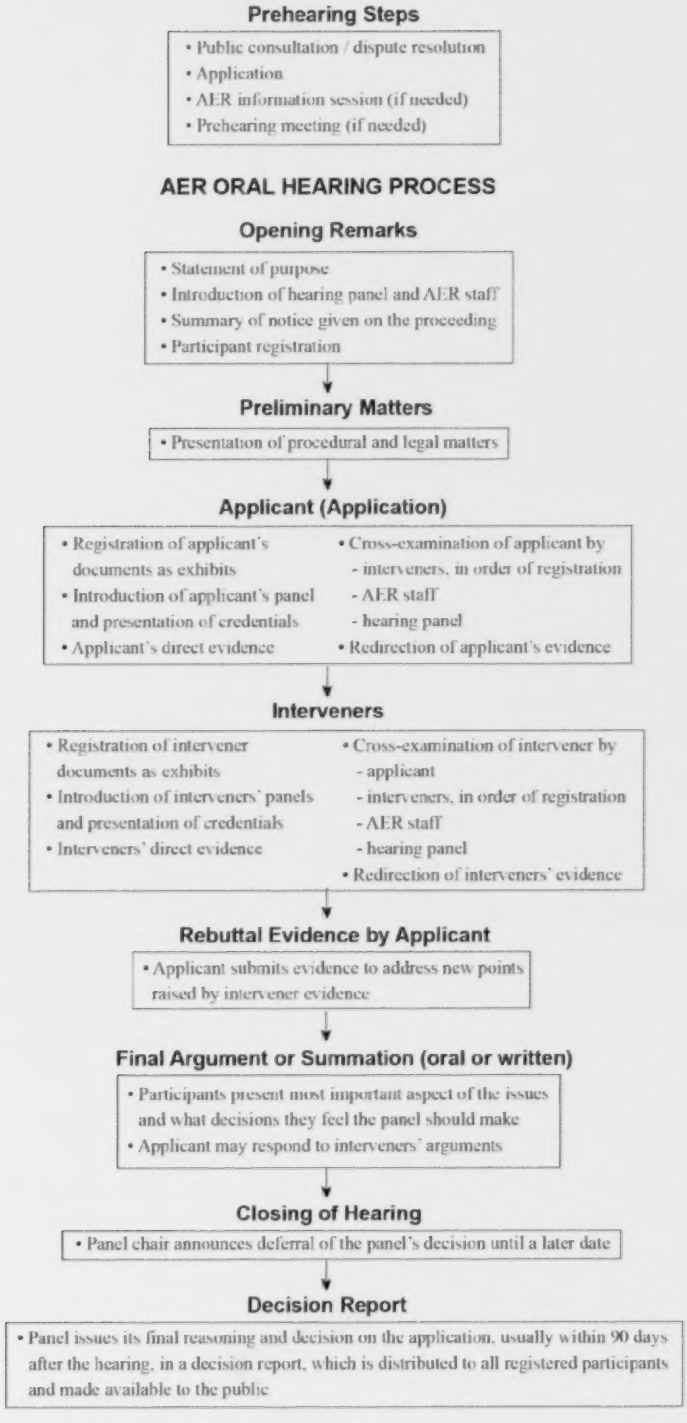
John and Martha Smith
Attachments

Intervener's Experience at the Hearing

The typical experience of interveners, in this case the Smiths, is described.

> On September 6, 2013, John and Martha attended the AER hearing into ABC Company's application. First the witnesses for ABC Company gave evidence in support of the application. Then John and Martha had the opportunity to ask the witnesses questions. Eventually, they were able to give their own evidence regarding their concerns about the pipeline. They were then asked questions by the company, other interveners, AER staff, and the hearing commissioners during cross-examination. Professor Schneider attended the hearing as a witness for the Smiths and gave evidence in support of their concerns. Once questioning ended, John and Martha were able to summarize their evidence during final arguments. Following final arguments, the hearing commissioners closed the hearing to any further evidence and explained that a final decision would be made within 90 days. Within 2½ months of the hearing, the decision was issued.

Appendix 4 AER Oral Hearing Process Flowchart


Prehearing Steps
• Public consultation / dispute resolution
• Application
• AER information session (if needed)
• Prehearing meeting (if needed)
AER ORAL HEARING PROCESS
Opening Remarks
• Statement of purpose
• Introduction of hearing panel and AER staff
• Summary of notice given on the proceeding
• Participant registration
Preliminary Matters
• Presentation of procedural and legal matters
Applicant (Application)
• Registration of applicant's documents as exhibits
• Introduction of applicant's panel and presentation of credentials
• Applicant's direct evidence
• Cross-examination of applicant by
- interveners, in order of registration
- AER staff
- hearing panel
• Redirection of applicant's evidence
Interveners
• Registration of intervener documents as exhibits
• Introduction of interveners' panels and presentation of credentials
• Interveners' direct evidence
• Cross-examination of intervener by
- applicant
- interveners, in order of registration
- AER staff
- hearing panel
• Redirection of interveners' evidence
Rebuttal Evidence by Applicant
• Applicant submits evidence to address new points raised by intervener evidence
Final Argument or Summation (oral or written)
• Participants present most important aspect of the issues and what decisions they feel the panel should make
• Applicant may respond to interveners' arguments
Closing of Hearing
• Panel chair announces deferral of the panel's decision until a later date
Decision Report
• Panel issues its final reasoning and decision on the application, usually within 90 days after the hearing, in a decision report, which is distributed to all registered participants and made available to the public